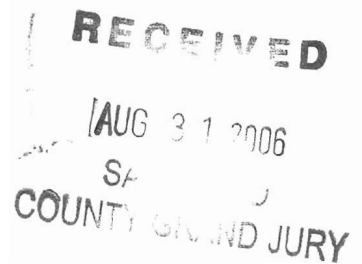


*City of
Encinitas*

Office of
the Mayor

August 28, 2006



Christy Guerin
Mayor

James H. Bond
Deputy Mayor

Grand Jury
Attn: Presiding Judge
San Diego Superior Court
330 West Broadway, Suite 477
San Diego, CA 92101-3830

Re: Responds to Grand Jury Report "Felony Warrants-The Unsolved Problem"

Dan Dalager
Council Member

Dear Presiding Judge and Members of the Grand Jury:

Maggie Houlihan
Council Member

The City of Encinitas is in receipt of the 2005-2006 Grand Jury Report entitled, "Felony Warrants – The Unsolved Problem" dated June 1, 2006. It is important to note that law enforcement services for the City of Encinitas are provided by the San Diego County Sheriff's Department. The San Diego County Sheriff's Department responded to the Grand Jury's report and recommendations in a correspondence dated June 30, 2006 from Sheriff William Kolender (attached). As indicated in the Sheriff Kolender's letter, response to the Grand Jury's Recommendations 06-70 through 06-74 are applicable, and made on behalf of, the contract law enforcement cities served by the San Diego Sheriff's Department.

Jerome Stocks
Council Member

In accordance with California Penal Code §933 (c), the City is responding to recommendations 06-75 and 06-76.

Kerry L. Miller
City Manager

Recommendation 06-75 - Sponsor legislation that will provide law enforcement agencies with additional tools to apprehend felons through integration of information from DMV, Social Security, Veterans pensions and other state and federal agencies.

The City is unable to implement this recommendation. The City of Encinitas is a general law municipality organized under the laws of the State of California. The City has no legislative or legal authority to adopt or modify state or federal laws or change administrative procedures of federal or state programs. The City would be supportive of legislations that provide law enforcement agencies with additional tools to apprehend fugitive felons.

Recommendation 06-76 - Give apprehension of outstanding Felony Warrant offenders a greater priority than currently appears to be the norm.

The City is unable to implement this recommendation. The City does not maintain a police force or sworn law enforcement employees. Comprehensive law enforcement services for the City are provided by the San Diego County Sheriff's Department. As indicated in response to 06-75, the City would be supportive of legislation providing law enforcement with enhanced tools for fugitive apprehension.

Should you have any questions regarding the City's response to the recommendations, please feel free to contact Richard Phillips, Assistant to the City Manager, at (760) 633-2610.

Sincerely,



Christy Guerin
Mayor
City of Encinitas

C: Encinitas City Council
City Attorney
Encinitas Sheriff's Captain

June 30, 2006

The Honorable Janis Sammartino, Presiding Judge
San Diego Superior Court
P.O. Box 122724
San Diego, CA 92112

Dear Judge Sammartino:

Response to the Grand Jury Report "Felony Warrants – The Unsolved Problem" by San Diego Sheriff's Department - In Accordance With §933(c) PC

This is in response to the San Diego County Grand Jury Report 2005/2006 filed on June 1, 2006. This report covers the Grand Jury's investigation into the issue of outstanding felony warrants and why the numbers of warrants have increased. The Jury found that there is no uniform felony warrant apprehension procedure currently used by San Diego cities and county law enforcement agencies.

The report was divided into sections, each dealing with a specific topic. This response will address each topic pertinent to the San Diego Regional Fugitive Task Force (SDRFTF).

Facts and Findings:

Finding: *Currently, little or no progress is being made in the rate of apprehension of defendants with outstanding felony warrants in San Diego County.*

San Diego Sheriff's Department response: The San Diego Sheriff's Department disagrees with the finding. There are currently nine deputy sheriffs and one sergeant assigned full-time to the San Diego Regional Fugitive Task Force (SDRFTF). In this calendar year, the Sheriff's team has arrested and cleared over 600 outstanding felony warrants.

Finding: *The Grand Jury finds that this computer program (E-Warrants- offered free to San Diego law enforcement agencies), if used by City and County law enforcement agencies, would definitely increase apprehension of persons with multiple felony*

warrants. However, some municipalities still do not choose to take advantage of this program.

San Diego Sheriff's Department response: The San Diego Sheriff's Department disagrees in part with this finding. Although all law enforcement patrol vehicles are equipped with Mobile Data Computers (MDC's), the search capabilities of warrants are by individual name, not by the issuing agency.

The E-Warrants system has search capabilities of warrants issued by a specific agency, allowing for an individual agency to clear warrants they have issued. It is not, however, available through the MDC's. All local San Diego law enforcement agencies have received training on the E-Warrants system.

Per San Diego Sheriff's Department Chief Information Officer Andy Chmielinski, there is a project in formation to increase the data speed to the Sheriff's MDC's. Once this occurs, all patrol cars will have access to E-Warrants. CIO Chmielinski estimates this new system will be in operation in 2-3 years.

Finding: *More informative outreach must be considered by the San Diego Law Enforcement community, such as publication of photos of wanted criminals in neighborhood newspapers, or following the State of Missouri successful program of roadside billboards showing large photos of wanted felons with multiple outstanding Felony Warrants. The community response to this effort was outstanding.*

San Diego Sheriff's Department response: The San Diego Sheriff's Department disagrees with the finding. Currently, there are over 18,000 felony warrants. The suspects in these warrants are apprehended daily. There is a great deal of fluctuation in the number of warrants and the persons wanted. To keep information on these billboards current, it would require the information to be updated on a daily basis. This could prove to be costly and time consuming. It is suspected that Missouri does not have the large number of warrants or population of San Diego County which enables their program to be successful.

Finding: *The Grand Jury found that every law enforcement agency in San Diego County has been contacted by the United States Marshal's office and invited to join their San Diego Regional Task Force. Currently, only the San Diego Sheriff's office has responded positively with the assignment of several deputies to assist with the Felony Warrant apprehension and other activities.*

San Diego Sheriff's Department response: The San Diego Sheriff's Department agrees with the finding. For the last three years, the San Diego Sheriff's Department has had a strong presence at the SDRFTF. Currently, there are nine deputy sheriffs and one sergeant assigned to the SDRFTF. Because of staffing or budgetary concerns, with the

exception of one agent assigned from the Chula Vista Police Department, all other San Diego city and county law enforcement agencies have chosen not to participate in the SDRFTF.

RESPONSES TO RECOMMENDATIONS

The following responses are made on behalf of the Sheriff of San Diego County and the nine contract cities the San Diego Sheriff's Department provides law enforcement services to.

06-70 San Diego Sheriff's Department response: The recommendation has been implemented. For the past three years, the San Diego Sheriff's Department has had a strong presence on the San Diego Regional Fugitive Task Force (SDRFTF). Currently, there are nine deputy sheriffs and one Sheriff's sergeant assigned to the SDRFTF full-time.

06-71 San Diego Sheriff's Department response: The recommendation will not be implemented. This recommendation is beyond the scope of the Sheriff's Department authority or influence. All San Diego law enforcement agencies have the ability to assign personnel to the SDRFTF. These assignments are discretionary based on the staffing, budget and priorities of the individual agencies.

06-72 San Diego Sheriff's Department response: The recommendation will not be implemented. This recommendation is beyond the scope of the Sheriff's Department authority or influence. This recommendation would require the cooperation of federal, state and local law enforcement agencies and require research on the legalities of disclosure of confidential information. This type of enforcement could cause a public outcry of invasion of privacy issues. This recommendation would have to be researched by legal professionals to ascertain if there are any legal issues it might expose.

06-73 San Diego Sheriff's Department response: The recommendation will not be implemented. The plan is not time or cost effective. Currently, there are over 18,000 felony warrants in San Diego County. The suspects wanted on these warrants are apprehended daily. There is a great deal of fluctuation in the number of warrants and the persons wanted. To keep information on these billboards current, it would require the billboard information to be updated on a daily basis. This would prove to be costly and time consuming.

06-74 San Diego Sheriff's Department response: The recommendation has not yet been implemented, but will be implemented in the future. The current Mobile Data Computers (MDC) installed in all of the Sheriff's patrol vehicles are capable of conducting warrant checks on individuals. These checks are conducted utilizing the Sheriff's Mainframe computer and accessing the warrant information housed there. The displayed information is essentially the same information provided by the E-Warrants computer program; but is displayed in a different format. Any patrol vehicle from other San Diego law enforcement agencies that is equipped with an MDC also has the capability to access warrant information.

Per San Diego Sheriff's Department Chief Information Officer Andy Chmielinski, there is a project in formation to increase the data speed to the MDC's. Once this project is completed, all Sheriff's patrol vehicles will have access to the E-Warrants computer program. CIO Chmielinski estimates the new system will be in operation in 2-3 years.

Sincerely,

William B. Kolender, Sheriff

WBK/tjc

cc: San Diego County Board of Supervisors